

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:

CHAPTER 13

JEFFREY W PHILLIPS

CASE NO: 20-50436

JUDGE ALAN M. KOSCHIK

MOTION FOR TURNOVER OF
AUTOMOBILE INSURANCE
PROCEEDS
AMENDED

Now comes the Debtor, Jeffrey Phillips by and through undersigned counsel, and hereby moves this Court for turnover of automobile insurance proceeds. The Debtor states the following:

1. At the time this Chapter 13 plan was filed, the Debtor was in the process of purchasing a 2016 Hyundai Sonata.
2. The automobile is listed on Petition Schedule B. The Debtor is paying the automobile through the Chapter 13 plan.
3. On or about 01/05/2021, the Debtor(s) automobile was involved in an accident and has been deemed a total loss.
4. The creditor holding a lien on the automobile is Key Bank.
5. The automobile is insured by American Family Insurance Co. with Melanie Welch as the Adjuster.
6. An insurance claim was filed on 1/27/20221 Claim Reference No 01002001713-1. At the time of the incident the odometer had 23,098 miles on it and the Adjuster determined the total Adjusted Vehicle Value to be \$13,358.00.

7. The insurance company has indicated it will release funds if it is assured to receive a salvage title from the lien holder.
8. At this time on the 2016 Sonata, \$14,895.96 is owed approximately secured by 6.75% interest.
9. Debtor agrees to continue to pay down the secured portion of this loan through the chapter 13 plan until fully paid off.
10. In order to facilitate the transfer of the title and insurance proceeds, the Debtor(s) is requesting:
 - a. That the amount of the insurance proceeds be paid into the Chapter 13 plan.
 - b. That the Chapter 13 Trustee process the remaining secured balance owed on the automobile through the Chapter 13 plan.
 - c. That upon receipt of funds from the Trustee, the lien holder releases the title to the insurance company.

Respectfully submitted,

 //s//
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:

Chapter 13

Jeffery W. Phillips

CASE NO. 20-50436

Debtor

JUDGE ALAN M. KOSCHIK

ORDER

Debtor's Motion to Turnover Insurance Proceeds dated 4/2/2021 is well taken, the total Adjusted Vehicle Value of the insurance proceeds to be turned over is \$13,358.00, a balance will remain on the loan secured by the 2016 Hyundai Sonata and the Debtor will continue to make payments toward said loan as part of Debtor's Chapter 13 plan.

The creditor holding a lien on the automobile is Key Bank.

The automobile is insured by American Family Insurance Co. with Melanie Welch as the Adjuster.

The insurance company has indicated it will turnover \$13,350.00 to the Chapter 13 Trustee, Keith Rucinski, if it is assured to receive a salvage title from the lien holder.

At this time on the 2016 Sonata, \$14,895.96 is owed approximately secured by 6.75% interest.

IT IS SO ORDERED that the Debtor shall Turnover Insurance Proceeds and said proceed shall be applied to loan secured by the 2016 Hyundai Sonata in Debtor's Chapter 13 Plan. Debtor agrees to continue to pay down the secured portion of Key Bank's claim through the Chapter 13 plan until fully paid off. American Family Insurance Company will turnover \$13,350.00 to the Chapter 13 Trustee. The creditor Key Bank will release a salvage title for the 2016 Sonata to American Family Insurance Company.

JUDGE ALAN M. KOSCHIK

CERTIFICATE OF SERVICE

I hereby certify on April 2nd, 2021, a copy of the foregoing MOTION FOR TURNOVER OF AUTOMOBILE INSURANCE PROCEEDS was sent to:

Jeffrey W. Phillips
8855 Emily Court
Ravenna OH 44266
(via Regular Mail)

(Via Facsimile)

Keith L. Rucinski,
Chapter 13 Trustee
(via ECF)

Key Bank
Statutory Agent
4910 Tiedeman Rd.
Brooklyn, OH 44144
(via Regular Mail)

American Family Insurance
Melanie Welch
Total Loss Adjuster
Phone (800)-692-6326
Fax (866) 953-6378
Mwelch1@amfam.com

_____/s/_____
